

REMARKS

With entry of this amendment, claims 1-7 and 13-19 will be pending. Claims 13-19 are withdrawn from consideration. Claims 8-12 and 20 have been cancelled. Claims 1-7 are under examination. Clean and marked up copies of a substitute specification are filed herewith. The term "fetal T lymphocyte" has been changed to "fetal immature T lymphocyte" throughout the specification, in accordance with the Declaration of Emiko Oku that a mistranslation occurred. It is respectfully submitted that this recitation is supported by the originally filed application and does not add new matter. Claims 1 and 2 have been amended to recite "fetal immature T lymphocyte(s)" and to recite the step of "irradiating a host mammal in order to transiently suppress T lymphocytes", thereby incorporating the limitations of cancelled claim 20. Entry of the amendment and reconsideration are requested.

(1) Rejection Under 35 U.S.C. § 112, first paragraph, for lack of written description

Claims 1-7 and 20 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. It is the Examiner's position that because the specification continued to recite "fetal T lymphocyte" that there was no support for the recitation "immature T lymphocyte" in the claims. The specification and claims have been amended to recite "fetal immature T lymphocyte(s)". Accordingly, withdrawal of the rejection is respectfully requested.

(2) Rejection Under 35 U.S.C. § 112, first paragraph, for lack of enablement

Claims 1-7 and 20 are rejected under 35 USC § 112, first paragraph, as not being enabled. The Examiner appears to have taken the position that the evidence presented only demonstrates that fetal T lymphocytes have the claimed effects. Although applicants do not agree with the Examiner's position, in order to expedite prosecution, the specification and claims have been amended to recite "fetal immature T lymphocyte(s)". The Examiner has also taken the view that the specification is not enabling for any method wherein the host mammal has not been irradiated to suppress existing T lymphocytes. Although applicants disagree, in order to expedite prosecution, the claims have been

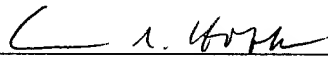
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Appl. No.: 09/889,321

amended to recite the step of "irradiating a host mammal in order to transiently suppress T lymphocytes". It is respectfully submitted that claims 1-7 are clearly enabled. Reconsideration and withdrawal of the rejection are respectfully requested.

All rejections having been addressed, it is respectfully submitted that this application is in condition for allowance, and Notice to that effect is respectfully requested.

Respectfully submitted,

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